

Remarks

Reconsideration of this application is being requested. Claims 1-21 and 23-25 are in this application. Claims 21, 23 and 25 have been amended. Claim 22 has been canceled.

102(e) rejection under Sarkar

Claims 1-9, 11-17, and 19-20 were rejected under 35 USC 102(e) as being anticipated by US Patent Application Publication No. 2004/0160914 to Sarkar. Applicants respectfully disagree for the following reasons. First, claims 1 and 13 recite the limitation of "evaluating a reverse link loading by examining at least two resources within a first time period". The office action alleges that Sarkar's "measuring the reverse link pilot quality" teaches applicants' "evaluating a reverse link loading", Sarkar's "determination of whether resources are available to accommodate request" and "C/I measurements, power control messages, etc." teach applicants' "examining at least two resources within a first time period". Supposing these specific allegations are true, Sarkar nevertheless fails to teach or suggest that the reverse link pilot quality is measured, i.e., evaluating the reverse link loading, by examining available resources and C/I measurements, power control messages, etc., i.e., examining at least two resources, within a first time frame.

Second, claims 1 and 13 recite the limitation of "broadcasting an availability of resources message in response to the evaluated reverse link loading". The office action alleges Sarkar's "respond to request" and "maximum value allowed" teach applicants' "broadcasting an availability of resources message in response to the evaluated reverse link loading". Applicants respectfully disagree. Sarkar teaches responding to a request of a particular mobile station. The response can be a grant allowing that particular mobile station to transmit on the reverse link. A maximum power level is associated with the grant. See page 7, paragraphs [0071] and [0074]. By contrast, claims 1 and 13 involves broadcasting of an availability of resources message. Broadcasting is a transmission intended for a group of mobile stations, and is not a transmission intended for only a particular mobile station. The availability of resources message indicates to mobile stations the resources available, and is not a grant to allow a particular mobile to transmit over the reverse link.

Since Sarkar does not teach or suggest "evaluating a reverse link loading by examining at least two resources within a first time period" or "broadcasting an availability of resources message in response to the evaluated reverse link loading", it is felt that claims 1 and 13 are patentable under 35 USC 102(e) over US Patent Application Publication No. 2004/0160914 to Sarkar.

Claims 2-9, 11-12, 14-17 and 19-20 depend on, and include all the limitations of, either claims 1 or 13. For the reasons discussed earlier with respect to claims 1 and 13, Sarkar does not teach or suggest "evaluating a reverse link loading by examining at least two resources within a first time period" or "broadcasting an availability of resources message in response to the evaluated reverse link loading". Accordingly, it is felt that Claims 2-9, 11-12, 14-17 and 19-20 are patentable under 35 USC 102(e) over US Patent Application Publication No. 2004/0160914 to Sarkar.

Claim 21 and 24-25 were rejected under 35 USC 102(e) as being anticipated by US Patent Application Publication No. 2004/0160914 to Sarkar. Applicants respectfully traverse. Claim 21 has been amended to include the limitation of "broadcasting an availability of resources message in response to the determined reverse link loading". Support for the amendment can be found, for example, in claim 22, now canceled. For the reasons discussed earlier with respect to claims 1 and 13, Sarkar does not teach or suggest "broadcasting an availability of resources message in response to the determined reverse link loading". Accordingly, it is felt that claim 21 is patentable under 35 USC 102(e) over US Patent Application Publication No. 2004/0160914 to Sarkar.

Claims 24-25 depend upon, and include all the limitations of, claim 21. For the reason discussed earlier with respect to claim 21, Sarkar does not teach or suggest "broadcasting an availability of resources message in response to the determined reverse link loading". Accordingly, it is felt that claims 24-25 are patentable under 35 USC 102(e) as being anticipated by US Patent Application Publication No. 2004/0160914 to Sarkar.

103(a) rejection under Sarkar and Chung

Claims 10 and 18 appears to have been rejected under 35 USC 103(a) as being unpatentable over US Patent Application Publication No. 2004/0160914 to Sarkar in view of US Patent Application Publication No. 2002/0151310 to Chung et al. Claims 10 and 18 depend upon, and include all the limitations of, claims 1 and 13, respectively. For the reasons discussed earlier with respect to claims 1 and 13, Sarkar does not teach or suggest "evaluating a reverse link loading by examining at least two resources within a first time period" or "broadcasting an availability of resources message in response to the evaluated reverse link loading". It is also believed that Chung does not teach or suggest "evaluating a reverse link loading by examining at least two resources within a first time period" or "broadcasting an availability of resources message in response to the evaluated reverse link loading". Accordingly, it is felt that claims 10 and 18 are patentable under 35 USC 103(a) over US Patent Application Publication No. 2004/0160914 to Sarkar in view of US Patent Application Publication No. 2002/0151310 to Chung et al.

103(a) rejection under Sarkar and Holma

Claim 23 was rejected under 35 USC 103(a) as being unpatentable over US Patent Application Publication No. 2004/0160914 to Sarkar in view of US Patent Application Publication No. 2002/0136192 to Holma et al. Claim 23 depends upon, and includes all the limitations of, claim 21. For the reasons discussed earlier with respect to claim 21, Sarkar does not teach or suggest "broadcasting an availability of resources message in response to the evaluated reverse link loading". It is also believed that Holma does not teach or suggest "broadcasting an availability of resources message in response to the evaluated reverse link loading". Accordingly, it is felt that claim 23 is patentable under 35 USC 103(a) over US Patent Application Publication No. 2004/0160914 to Sarkar in view of US Patent Application Publication No. 2002/0136192 to Holma et al.

Conclusion

Based upon the foregoing reasons, applicants submit that this application is in condition for allowance. Favorable action is respectfully requested. To that end, if the Examiner feels that a conference might expedite the prosecution of this case, the Examiner is cordially invited to call applicants' attorney, **Jimmy Goo**, at **908-582-7886**.

Respectfully submitted,

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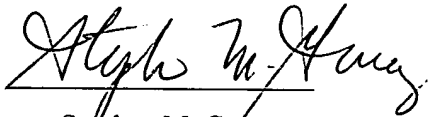
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